

General Assembly

Raised Bill No. 396

February Session, 2006

LCO No. 2135

*02135

Referred to Committee on Select Committee on Children

Introduced by: (KID)

AN ACT IMPLEMENTING A COMPREHENSIVE PLAN TO ERADICATE CHILDHOOD LEAD POISONING IN THIS STATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 19a-111a of the general statutes is repealed and
- 2 the following is substituted in lieu thereof (*Effective October 1, 2006*):
- 3 (a) The [Commissioner] Department of Public Health shall be the
- 4 lead state agency for lead poisoning prevention in this state. The
- Commissioner of Public Health shall (1) identify the state and local 5
- agencies in this state with responsibilities related to lead poisoning 6
- 7 prevention, and (2) schedule a meeting of such state agencies and
- 8 representative local agencies at least once annually in order to
- coordinate lead poisoning prevention efforts in this state. 9
- 10 (b) The commissioner shall establish a lead poisoning prevention
- program [. Such program shall] to provide screening, diagnosis, 11
- 12 consultation, inspection and treatment services, including, but not
- 13 limited to, the prevention and elimination of lead poisoning through
- 14 research, abatement, education and epidemiological and clinical
- 15 activities. Such program shall include, but need not be limited to, the

screening services provided pursuant to section 2 of this act.

- 17 [(b)] (c) Within available appropriations, the [Commissioner of 18 Public Health] commissioner may contract with individuals, groups or 19 agencies for the provision of necessary services and enter into 20 assistance agreements with municipalities, cities, boroughs or district 21 departments of health or special service districts for the development 22 and implementation of comprehensive lead poisoning prevention 23 programs consistent with the provisions of sections 19a-110 to 19a-24 111c, inclusive.
- 25 Sec. 2. (NEW) (Effective October 1, 2006) (a) Each primary care 26 provider giving pediatric care to a child six years of age or under in 27 this state shall take or cause to be taken a blood sample from each such 28 child for the purpose of conducting blood lead screening in accordance 29 with this section. Each primary care provider shall also arrange for 30 lead risk assessments in accordance with subsection (b) of this section. 31 The requirements of this section shall not apply to any child whose 32 parent or guardian objects to a blood test as being in conflict with the 33 parent or guardian's religious tenets and practices. For the purposes of 34 this section, a "child six years of age or under" means a child (1) six 35 years of age or under or (2) whose chronological age is over six years 36 but who has a developmental age of six years or under as measured by 37 standardized diagnostic instruments and procedures.
 - (b) (1) Lead screening shall be conducted at least annually for each child between six and thirty six months of age. Additional screening shall be conducted (A) as clinically indicated as determined by the primary care provider, or (B) for any other child with a risk factor set forth in subsection (c) of this section.
 - (2) In addition to such screening, a risk assessment shall be conducted at least annually for each child between thirty-seven and seventy-two months of age. Such risk assessment shall comply with standards established by the Commissioner of Public Health.

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- 47 (c) A child shall be deemed to have a risk factor and be subject to 48 more frequent testing pursuant to subsection (b) of this section if the 49 child:
- 50 (1) Has never been screened for blood lead, in which case the child 51 shall be immediately screened regardless of other risk factors;
- 52 (2) Is exhibiting a habit of eating non-food substances;
- 53 (3) Had a prior blood lead level equal to or greater than ten 54 micrograms per deciliter;
- 55 (4) Resides, or has resided, in a residence constructed before 1978, or 56 in a residence that has undergone major renovations that may increase 57 the risk of lead exposure; or
- 58 (5) Has a clinical record or exhibits symptoms indicative of elevated 59 blood lead levels, which symptoms may include, but need not be 60 limited to, neurological symptoms, hyperactivity, behavioral disorders 61 or abdominal pain.
- 62 Sec. 3. Section 19a-110 of the general statutes is repealed and the 63 following is substituted in lieu thereof (*Effective October 1, 2006*):
- 64 (a) [Each institution licensed under the provisions of sections 19a-65 490 to 19a-503, inclusive, and each private clinical laboratory licensed 66 under section 19a-30 shall, within Not later than forty-eight hours [of 67 receipt of knowledge thereof, after receiving or completing a report of 68 a child six years of age or under, as defined in section 2 of this act, 69 found to have a level of lead in the blood equal to or greater than ten 70 micrograms per deciliter of blood or any other abnormal body burden of lead, each institution licensed under sections 19a-490 to 19a-503, 72 inclusive, as amended, and each clinical laboratory licensed under 73 section 19a-30 shall report to (1) the Commissioner of Public Health, 74 and to the director of health of the town, city or borough in which the 75 [person] child resides: [(1)] (A) The name, full residence address, date of birth, gender, race and ethnicity of each [person] child found to have

a level of lead in the blood equal to or greater than ten micrograms per deciliter of blood or any other abnormal body burden of lead; [(2)] (B) the name, address and telephone number of the health care provider who ordered the test; [(3)] (C) the sample collection date, analysis date, type and blood lead analysis result; and [(4)] (D) such other information as the commissioner may require, and (2) the health care provider who ordered the test, the results of the test. Not later than seventy-two hours after the provider receives such results, the provider shall make reasonable efforts to notify the parent or guardian of the child of the blood lead analysis results. Any institution or laboratory making an accurate report in good faith shall not be liable for the act of disclosing said report to the commissioner or to the director of health. The commissioner, after consultation with the Chief Information Officer of the Department of Information Technology, shall determine the method and format of transmission of data contained in said report.

- (b) Each institution or laboratory that conducts lead testing pursuant to subsection (a) of this section shall, at least monthly, submit to the Commissioner of Public Health a comprehensive report that includes: (1) The name, full residence address, date of birth, gender, race and ethnicity of each [person] child tested pursuant to subsection (a) of this section regardless of the level of lead in the blood; (2) the name, address and telephone number of the health care provider who ordered the test; (3) the sample collection date, analysis date, type and blood lead analysis result; (4) laboratory identifiers; and (5) such other information as the commissioner may require. Any institution or laboratory making an accurate report in good faith shall not be liable for the act of disclosing said report to the commissioner. The commissioner, after consultation with the Chief Information Officer, shall determine the method and format of transmission of data contained in said report.
- 108 (c) Whenever an institutional laboratory or private clinical laboratory conducting blood lead tests pursuant to this section refers a

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blood lead sample to another laboratory for analysis, the laboratories may agree on which laboratory will report in compliance with subsections (a) and (b) of this section, but both laboratories shall be accountable to insure that reports are made. The referring laboratory shall insure that the requisition slip includes all of the information that is required in subsections (a) and (b) of this section and that this information is transmitted with the blood specimen to the laboratory performing the analysis.

- (d) The director of health of the town, city or borough shall provide or cause to be provided, to the parent or guardian of a child reported, pursuant to subsection (a) of this section, with information describing the dangers of lead poisoning, precautions to reduce the risk of lead poisoning, information about potential eligibility for services for children from birth to three years of age pursuant to sections 17a-248 to 17a-248g, inclusive, and laws and regulations concerning lead abatement. Said information shall be developed by the Department of Public Health and provided to each local and district director of health. Such director shall conduct an on-site investigation of the source of the lead causing the increased lead level or abnormal body burden and shall conduct an epidemiologic investigation and take further action pursuant to section 19a-111, as amended by this act, if the on-site investigation does not identify the source of the lead exposure.
- Sec. 4. Section 19a-111 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

Upon receipt of each report of confirmed venous blood lead level equal to or greater than twenty micrograms per deciliter of blood, or after an on-site investigation conducted pursuant to section 19a-110, as amended by this act, fails to identify the source of lead exposure, the local director of health shall make or cause to be made an epidemiological investigation of the source of the lead causing the increased lead level or abnormal body burden and shall order action to be taken by the appropriate person or persons responsible for the

142 condition or conditions which brought about such lead poisoning as 143 may be necessary to prevent further exposure of persons to such 144 poisoning. In the case of any residential unit where such action will not 145 result in removal of the hazard within a reasonable time, the local 146 director of health shall utilize such community resources as are 147 available to effect relocation of any family occupying such unit. The 148 local director of health may permit occupancy in said residential unit 149 during abatement if, in his judgment, occupancy would not threaten 150 the health and well-being of the occupants. The local director of health 151 shall, within thirty days of the conclusion of his investigation, report to 152 the Commissioner of Public Health the result of such investigation and 153 the action taken to insure against further lead poisoning from the same 154 source, including any measures taken to effect relocation of families. 155 Such report shall include information relevant to the identification and 156 location of the source of lead poisoning and such other information as 157 the commissioner may require pursuant to regulations adopted in 158 accordance with [the provisions of] chapter 54. The commissioner shall 159 maintain comprehensive records of all reports submitted pursuant to 160 this section and section 19a-110. Such records shall be geographically 161 indexed in order to determine the location of areas of relatively high 162 incidence of lead poisoning. The commissioner shall prepare a quarterly summary of such records which he shall keep on file and 163 164 release upon request. The commissioner shall establish, in conjunction 165 with recognized professional medical groups, guidelines consistent 166 with the National Centers for Disease Control for assessment of the 167 risk of lead poisoning, screening for lead poisoning and treatment and 168 follow-up care of individuals including children with lead poisoning, 169 women who are pregnant and women who are planning pregnancy. 170 Nothing in this section shall be construed to prohibit a local building 171 official from requiring abatement of sources of lead.

Sec. 5. Subsection (b) of section 10-206 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(b) Each local or regional board of education shall require each child to have a health assessment prior to public school enrollment. The assessment shall include: (1) A physical examination which shall include hematocrit or hemoglobin tests, height, weight, blood pressure, and, beginning with the 2003-2004 school year, a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a, and, beginning with the 2007-2008 school year, blood lead screening pursuant to section 2 of this act. The assessment form shall include (A) a check box for the provider conducting the assessment, as provided in subsection (a) of this section, to indicate an asthma diagnosis, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider; (2) an updating of immunizations as required under section 10-204a, provided a registered nurse may only update said immunizations pursuant to a written order by a physician or physician assistant, licensed pursuant to chapter 370, or an advanced practice registered nurse, licensed pursuant to chapter 378; (3) vision, hearing, speech and gross dental screenings; and (4) such other information, including health and developmental history, as the physician feels is necessary and appropriate. The assessment shall also include tests for tuberculosis, sickle cell anemia or Cooley's anemia and tests for lead levels in the blood where the local or regional board of education determines after consultation with the school medical advisor and the local health department, or in the case of a regional board of education, each local health department, that such tests are necessary, provided a registered nurse may only perform said tests pursuant to the written order of a physician or physician assistant, licensed pursuant to chapter 370, or an advanced practice registered nurse, licensed pursuant to chapter 378.

Sec. 6. (NEW) (*Effective October 1, 2006*) Each individual health insurance policy providing coverage of the type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of the general

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- statutes delivered, issued for delivery, amended, renewed or continued in this state on or after October 1, 2006, shall provide
- 211 coverage for blood lead screening and risk assessments ordered by a
- 212 primary care provider pursuant to section 2 of this act.
- Sec. 7. Subsection (b) of section 38a-535 of the general statutes is
- 214 repealed and the following is substituted in lieu thereof (Effective
- 215 October 1, 2006):
- 216 (b) [Every] Each group health insurance policy providing coverage 217 of the type specified in subdivisions (1), (2), (4), (6), (11) and (12) of 218 section 38a-469 delivered, issued for delivery or renewed on or after 219 October 1, 1989, or continued as defined in section 38a-531, on or after 220 October 1, 1990, shall provide benefits for preventive pediatric care for 221 any child covered by the policy or contract at approximately the 222 following age intervals: Every two months from birth to six months of 223 age, every three months from nine to eighteen months of age and 224 annually from two through six years of age. Any such policy may 225 provide that services rendered during a periodic review shall be 226 covered to the extent that such services are provided by or under the 227 supervision of a single physician during the course of one visit. Each 228 such policy shall also provide coverage for blood lead screening and 229 risk assessments ordered by a primary care provider pursuant to section 2 of this act. Such benefits shall be subject to any policy 230 231 provisions which apply to other services covered by such policy.
 - Sec. 8. (NEW) (*Effective July 1, 2006*) (a) There is established a lead safe account, which shall be a separate, nonlapsing account within the General Fund. The account may contain any moneys required by law to be deposited in the account. The account shall be used by the Department of Economic and Community Development for the purpose of providing financial assistance for the remediation or removal of lead from residential real property.
- 239 (b) The Department of Economic and Community Development 240 shall establish programs to provide financial assistance to owners of

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- residential real property, including, but not limited to, owners of
- 242 residential rental property. Applicants may apply for assistance under
- 243 the program to the Commissioner of Economic and Community
- 244 Development at such time and in such manner as the commissioner
- 245 prescribes.
- 246 (c) The commissioner shall adopt regulations, in accordance with
- 247 chapter 54 of the general statutes, to establish qualification criteria for
- 248 financial assistance pursuant to subsection (b) of this section. Such
- 249 regulations shall also include standards for use of funds received by
- 250 individuals who receive such assistance.
- Sec. 9. (NEW) (Effective from passage) (a) Not later than January 1,
- 252 2007, each local and regional school board of education shall develop
- 253 guidelines for the management of students with a blood lead level
- 254 equal to or greater than ten micrograms per deciliter. The guidelines
- shall include, but need not be limited to: (1) A process for developing
- 256 individualized action plans for each such student, (2) education and
- 257 training for school personnel on the management of such students,
- 258 including, but not limited to, the establishment of an in-service
- 259 training program for school health care providers who provide
- 260 services to students identified pursuant to subdivision (3) of this
- subsection, and (3) a plan for identifying and evaluating such students
- 262 who may qualify as health impaired due to lead poisoning under the
- 263 federal Individuals with Disabilities Act and Section 504 of the federal
- 264 Rehabilitation of the Handicapped Act.
- 265 (b) Not later than July 1, 2007, each local and regional board of
- 266 education shall implement a plan based on the guidelines developed
- 267 pursuant to subsection (a) of this section.
- Sec. 10. (NEW) (Effective October 1, 2006) Not later than January 1,
- 269 2007, the Commissioner of Public Health shall review the data
- 270 collected by the Department of Public Health regarding lead poisoning
- 271 to determine if it is recorded in a format that is compatible with the
- 272 information reported by institutions and laboratories pursuant to

273 section 19a-110 of the general statutes, as amended by this act. If the 274 commissioner finds that such data should be reported in a different 275 manner, the commissioner shall adopt regulations, in accordance with 276 chapter 54 of the general statutes, to establish the manner for reporting 277 such data.

- 278 Sec. 11. Section 19a-111c of the general statutes is repealed and the 279 following is substituted in lieu thereof (Effective October 1, 2006):
- 280 (a) The owner of any dwelling in which the paint, plaster or other [materials] material is found to contain toxic levels of lead and in 282 which children [under the age of six] six years of age or under, as 283 defined in section 2 of this act reside, shall abate, remediate or manage 284 such dangerous materials consistent with regulations adopted 285 pursuant to this section. The Commissioner of Public Health shall 286 adopt regulations, in accordance with [the provisions of] chapter 54, 287 establishing [removal and] requirements and procedures for testing, 288 remediation, abatement [requirements and procedures for] and 289 management of materials containing toxic levels of lead.
 - (b) The Commissioner of Public Health may adopt regulations, in accordance with chapter 54, to regulate paint removal from the exterior of any building or structure. For the purposes of such regulations, structure means any large edifice and includes, but is not limited to, a bridge, dam, framework or tank. Such regulations shall: (1) Require that notice be given to the local director of health, five business days prior to the commencement of any abrasive blasting, power sanding, hydro-blasting, similar abrasive paint removal operation, open flame burning, or power washing that will disturb more than two square feet of paint and that may result in the release of visible dust, debris, mist or contaminated liquids from the exterior of a residential or public building that was constructed prior to December 31, 1978, or from the exterior of a commercial building or structure regardless of the date of construction, (2) authorize the local health department to establish and collect notification fees to offset costs related to program

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- 305 <u>administration</u>, oversight and management, and (3) establish: (A)
- 306 <u>Definitions, (B) applicability and exemption criteria, (C) procedures for</u>
- 307 <u>submission of notifications, (D) appropriate work practices, and (E)</u>
- 308 penalties for noncompliance.
- 309 (c) The commissioner shall authorize the use of any liquid, 310 cementitious or flexible lead encapsulant product which complies with 311 an appropriate standard for such products developed by the American 312 Society for Testing and Materials or similar testing organization 313 acceptable to the commissioner for the abatement [of toxic levels of 314 lead, unless the commissioner disapproves the use of any such 315 product] and remediation of lead hazards. The commissioner shall 316 maintain a list of all such approved lead encapsulant products that 317 may be used in this state for the abatement [of toxic levels of lead] and 318 remediation of lead hazards.
- Sec. 12. Subsection (e) of section 19a-206 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* 321 October 1, 2006):
 - (e) When such nuisance is abated <u>or remediated</u> or <u>the</u> source of filth is removed from private property, <u>or when the failure of an owner to abate or remediate a nuisance has resulted in the relocation of a tenant or tenants by order of the director of health, such abatement, [or] <u>remediation</u>, removal <u>or relocation</u> shall be at the expense of the owner or, <u>where applicable</u>, occupant of such property, or both, and damages <u>and costs</u> for such abatement [or] <u>, remediation</u>, removal <u>or relocation</u> may be recovered against them by the town, city or borough in a civil action as provided in subsection (b) or in a separate civil action brought by the director of health or any official of such city, town or borough authorized to institute civil actions. <u>When the owner is responsible for such expense</u>, the entire amount expended by the city, town or borough as set forth in this section, including attorney's fees and associated costs, shall be secured by a lien on the property for the benefit of the city, town or borough. Any lien for such funds that</u>

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- have been expended by the city, town or borough shall have the same priority as a lien for municipal taxes.
- Sec. 13. Section 47a-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):
- (a) As used in this section, "rented dwelling" means any structure or portion thereof which is rented, leased, or hired out to be occupied as the home or residence of one or two families and any mobile manufactured home in a mobile manufactured home park which, although owned by its resident, sits upon a space or lot which is rented, leased or hired out, but shall not include a tenement house as defined in section 19a-355 or in section 47a-1.
- 348 (b) "Department of health" means the health authority of each city, 349 borough or town, by whatever name such health authority may be 350 known.
 - (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality [wherein] where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
 - (d) Paint on the exposed surfaces of any such rented dwelling or dwelling unit shall not be cracked, chipped, blistered, flaking, loose, or peeling. Paint on the exposed surfaces of a rented dwelling that was constructed prior to 1978 shall be presumed to be lead-based paint. The owner may rebut the presumption of lead-based paint by producing paint analyses results that have been generated at the owner's expense by a licensed lead consultant contractor utilizing

- 368 testing procedures consistent with sections 19a-111-1 to 19a-111-11, 369 inclusive, of the regulations of Connecticut state agencies. The director 370 of health of the municipality or health district where such dwelling is 371 located may order the responsible party to remediate hazardous paint conditions and shall require the use of lead-safe work practices 372 373 consistent with methods described in lead-safe work practices training 374 courses that have been approved by the United States Department of Housing and Urban Development pursuant to 24 CFR 35.1330(a)(4). 375 376 Lead hazard remediation shall be conducted by individuals who have 377 successfully completed such approved lead-safe work practices 378 training courses or are certified lead abatement supervisors or certified 379 lead abatement workers or are working under the constant on-site 380 supervision of a certified lead abatement supervisor.
- [(d)] (e) When the department of health certifies that any such rented dwelling or premises are unfit for human habitation, by reason of defects which may cause sickness or endanger the health of the occupants, the department may issue an order requiring the rented dwelling, premises or any portion thereof to be vacated within not less than twenty-four hours or more than ten days.
 - [(e)] (f) Any person who violates or assists in violating, or fails to comply with, any provision of this section or any legal order of a department of health made under any such provision shall be fined not more than two hundred dollars or imprisoned not more than sixty days or both.
- [(f)] (g) Any person aggrieved by an order issued under this section may appeal, pursuant to section 19a-229, to the Commissioner of Public Health.
- Sec. 14. Section 47a-54f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):
- 397 (a) In each tenement, lodging or boarding house the walls of any 398 court, shaft, hall or room shall be whitewashed or painted a light color

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whenever, in the opinion of the board of health or enforcing agency, such whitewashing or painting is needed for the better lighting of any room, hall or water closet compartment.

(b) Paint on the [accessible] exposed surfaces of a tenement house shall not be cracked, chipped, blistered, flaking, loose, or peeling. [so as to constitute a health hazard.] Paint on the exposed surfaces of a tenement house that was constructed prior to 1978 shall be presumed to be lead-based paint. The owner may rebut the presumption of leadbased paint by producing paint analyses results that have been generated at the owner's expense by a licensed lead consultant contractor utilizing testing procedures consistent with sections 19a-111-1 to 19a-111-11, inclusive, of the regulations of Connecticut state agencies. The director of health of the municipality or health district where such tenement house is located may order the responsible party to remediate hazardous paint conditions and shall require the use of lead-safe work practices consistent with methods described in leadsafe work practices training courses that have been approved by the United States Department of Housing and Urban Development pursuant to 24 CFR 35.1330(a)(4). Lead hazard remediation shall be conducted by individuals who have successfully completed such approved lead-safe work practices training courses or are certified lead abatement supervisors or certified lead abatement workers or are working under the constant on-site supervision of a certified lead abatement supervisor.

This act shall take effect as follows and shall amend the following sections:			
Section 1	<i>October 1, 2006</i>	19a-111a	
Sec. 2	October 1, 2006	New section	
Sec. 3	October 1, 2006	19a-110	
Sec. 4	October 1, 2006	19a-111	
Sec. 5	October 1, 2006	10-206(b)	
Sec. 6	October 1, 2006	New section	
Sec. 7	October 1, 2006	38a-535(b)	

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Sec. 8	July 1, 2006	New section
Sec. 9	from passage	New section
Sec. 10	October 1, 2006	New section
Sec. 11	October 1, 2006	19a-111c
Sec. 12	October 1, 2006	19a-206(e)
Sec. 13	October 1, 2006	47a-52
Sec. 14	October 1, 2006	47a-54f

Statement of Purpose:

To take steps to eradicate lead exposure in children by establishing a comprehensive plan to screen children for lead exposure and eliminate exposure to lead.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]